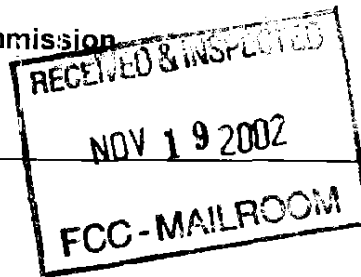




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DA 02-3184
November 18, 2002

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON AT&T'S PETITION FOR DECLARATORY RULING THAT AT&T'S PHONE-TO-PHONE IP TELEPHONY SERVICES ARE EXEMPT FROM ACCESS CHARGES

Pleading Cycle Established

WC Docket No. 02-361

Comments Due: **December 18, 2002**

Reply Comments Due: **January 7, 2003**

On October 18, 2002, AT&T Corp. (AT&T) filed a Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges.¹ AT&T states that, currently, it provides phone-to-phone enhanced voice prepaid card services as well as basic phone-to-phone Internet protocol (IP) telephony services.² AT&T explains that, in contrast to calls transmitted over private interexchange networks that use Internet protocol, AT&T's services are transmitted over the same "common" Internet backbone facilities that carry Internet service provider (ISP) and all other types of public Internet traffic.³

According to AT&T, incumbent local exchange carriers (ILECs) are attempting to impose access charges on AT&T's phone-to-phone IP telephony services by: (1) refusing to provision end user services to terminate AT&T's phone-to-phone IP telephony services; (2) refusing to complete phone-to-phone IP telephony calls over facilities that have been provisioned; and (3) assessing interstate access charges on phone-to-phone IP telephony calls from other states that are terminated through CLEC and ILEC reciprocal compensation trunks.⁴

¹ *In the Matter of AT&T Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket 02-361. Petition of AT&T (filed Oct. 18, 2002) (AT&T Petition).

² AT&T Petition at 24.

Id.

⁴ *Id.* at 23.

AT&T asserts that these efforts to impose access charges on AT&T's phone-to-phone IP telephony services violate the congressional mandate to preserve a competitive free market for, the Internet and the Commission's policy of exempting all VoIP services from access charges pending the future adoption of regulations on this subject.'

AT&T asks that the Commission issue a declaratory ruling that providers of VoIP services carried over the Internet are entitled to subscribe to local services and are exempt from interstate access charges unless and until the Commission adopts regulations that prospectively provide otherwise.⁶

We seek comment on AT&T's petition for declaratory ruling

Pursuant to sections 1.415 and 1.419 of the Commission's rules,' interested parties may file comments no later than December 18, 2002. Interested parties may file reply comments no later than January 7, 2003. **All responsive filings must reference the docket number of this proceeding, WC Docket No. 02-361.** Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

Comments and reply comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the filing to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **All** hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial

⁵ *Id.* at 2

⁶ *Id.* at 33

overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12th Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at qualexint@aol.com. In addition, one copy of each submission must be filed with the Chief, Pricing Policy Division, Wireline Competition Bureau, and Chief, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Washington, D.C. 20554. Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554, and will be placed on the Commission's Internet site.

This proceeding will be governed by "permit-but-disclose" *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.⁸ Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁹ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. In addition, interested parties are to file any written *ex parte* presentations in this proceeding with the Commission's Secretary, Marlene H. Dortch, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve with three copies each: Pricing Policy Division, Wireline Competition Bureau, Attn: Kathy O'Neill, and Competition Policy Division, Wireline Competition Bureau, Attn: Julie Veach, 445 12th Street, S.W., Washington, D.C. 20554. Parties shall also serve with one copy: Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893.

For further information, contact Kathy O'Neill, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520, or Julie Veach (202) 418-1558, Competition Policy Division, Wireline Competition Bureau.

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⁸ 47 C.F.R. § 1.1206.

⁹ 47 C.F.R. § 1.1206(b)(2)